REMARKS

Claims 1-23 were pending in the subject application. By this Amendment, claims 1-10 and 20 have been amended to place them in better form for examination and/or to clarify the claimed invention thereof, claims 11-13 have been canceled, without prejudice or disclaimer, and new claims 24-48 have been added. Accordingly, claims 1-10 and 14-48 are presented for continued examination, with claims 1, 20, 26, 47 and 48 being in independent form.

By way of brief introduction it is noted that claim 1 has been recast to recite actions taken by a web server, while new claim 26 recites complementary actions taken by a web terminal. New claims 47 and 48 are Beauregard-type claims that correspond to claims 1 and 26, respectively.

The independent claims have been amended to distinguish over cited US Patent No. 6,973,436 (Shkedi). In order better to clarify the patentable distinction of the claims over Shkedi, a brief review of the invention as claimed will first be given.

Introduction:

The invention claimed in the present application allows a web-page downloaded to a web-terminal from a web-site to support burst messages that appear on the web-terminal in conjunction with the web-page.

In order to allow for web page to be serviced by a bursting message, a bursting applet (i.e. software code) is sent to the Web-terminal with the web page or in association therewith. However, this is done only once since, once downloaded, it may be cached in the web-terminal and used for subsequently downloaded web pages and websites. In addition, code is conveyed to the web

terminal together with or in association with the content of the burst message.

It is respectfully submitted that this is patentable over Shkedi since there is no need in Shkedi to download an applet in conjunction with a web-page and that is used to control the display or execution of burst message(s) that is/are downloaded **subsequent** to that web-page download.

As discussed on page 13 of the subject application, two discrete stages (2) and (3) are defined. In stage (2) the bursting components are conveyed, i.e. the bursting applet to the web-terminal. In stage (3) the message is sent. In other words, the bursting applet is sent **independent** of the data (content and code) of the bursting message. As also described on page 13, with particular reference to Fig. 2, the software component includes the bursting applet as well as a caching applet and JavaScript code, so as to allow the software component to render the burst message. The burst message could be rendered visually, vocally, etc., so different software components/drivers or APIs are provided that can interface with the appropriate output devices of the Web-terminal.

This is described in detail on page 18 of the application. Thus, as described by way of example, the bursting applet writes a transparent layer to the web-page (in association with which a bursting message is required). The transparent layer contains the bursting message content and the code that allows it to be rendered. There is also a third stage where the actual execution of the bursting message is carried out. This is overseen by the bursting applet that is included in the software code and which activates the code that is inherent in the bursting message. Thus, two types of code are conveyed to the web-terminal, namely: message-specific code that is conveyed with the bursting message

(as originally claimed) and some code (i.e. the software component) that acts as overseer and is associated with the calling page rather than the bursting message. As noted above, this latter code need be downloaded by the web-terminal only once and then cached for subsequent use. As against this, the message-specific code is conveyed with the bursting message.

The amendments to the claims are commensurate with the above introduction and are fully supported by the description as noted above. Thus, Applicant maintains that no new matter is presented by this amendment. Accordingly, Applicant respectfully requests that this Amendment be entered.

New dependent claims 24 and 46 are supported by the description on page 11, line 11, which states:

> … at an appropriate moment for executing the Bursting-message, the component downloads the content of the Bursting-message …

Since the "appropriate moment" can, of course, be any moment during the life of the web page (i.e. during the time that the web page is active) and is determined by the software component which is independent of the Bursting-message, this allows for the bursting applet to execute multiple Bursting-messages during the lifetime of the web page. Similarly, since the bursting applet is cached it is available also for subsequent web pages and web sites.

Rejection Under 35 U.S.C. § 102(e)

In Section 1 of the Office Action, claims 1, 2, 4-14, 17, 18 and 20-23 were rejected under 35 U.S.C. § 102(e) as purportedly anticipated by U.S. Patent No. 6,973,436 to Shkedi.

The Examiner stated that Shkedi teaches a system and method for generating messages to a website browser that includes all of the limitations recited in the above claims.

This rejection is respectfully traversed on two distinct grounds.

First, the present application claims priority from IL 137106 filed June 29, 2000. Shkedi has a filing date of December 28, 1999, i.e. six months before applicants' priority date. Applicants respectfully note that the invention as claimed was conceived before December 28, 2000 and applicants and their attorneys proceeded diligently to prepare and file the priority application. In consequence Shkedi is not available as prior art against the claims based on the disclosure in the priority application. A Declaration under 37 CFR 1.131 is attached hereto as Exhibit A, together with evidence in the form of documents identified in the Declaration that show conclusively that the invention was conceived by applicant prior to Shkedi (i.e. before December 28, 1999) and diligence was exercised to file the priority application, given the short period that elapsed between December 28, 1999 and June 29, 2000. The Declaration is signed by those inventors who were involved with the invention from its conception and are therefore able to make such a Declaration based on their own knowledge.

Regarding claims 1 and 20, the Examiner stated that Shkedi teaches the indication of a connection of a user to a website, the sending of data required for generating a message, and the generating of a message on the web terminal of the user (Abstract).

Regarding claims 2-4, 6, 9, 10, 13, 14, 17, 18 and 23, the Examiner stated that Shkedi teaches the message as being interactive, written in HTML, interstitial, linking (HTML page

address pointers), multimedia, DHTML, interactive, entertainment (user could enjoy looking at advertisements), and advertisements.

Regarding claim 7, the Examiner stated that the indication of Shkedi is inherently provided by software within the webpage (Abstract).

Regarding claim 8, the Examiner stated that Shkedi uses the IP address to identify the user (Column 6, lines 13-25).

Regarding claims 11, 12, 21 and 22, the Examiner stated that Shkedi teaches a web-TV content provider (set-top box) as being a communication node (being on the internet inherently requires a computer of some sort) (Column 4, lines 12-16).

The claims have been amended to better distinguish over Shkedi and it is respectfully submitted that the amended claims are patentable, since Shkedi fails to disclose or suggest the concept of conveying first software code that oversees the subsequent Burst-messaging but is independent of code that is specific to the Burst-message and thus allows, for example, the timing of the Burst-messaging to be controlled by the web page quite independent of the message itself. Shkedi cannot do this: all Shkedi can do, as correctly noted by the Examiner, is activate tags on the host page which redirect to a specified message. So, once the host page is fully downloaded to the user's web-terminal, the tag will be 'activated' and the message downloaded for immediate display.

By providing a higher-level measure of control associated with the host page and independent of the Burst-message, the invention as now claimed provides greater versatility than is possible with Shkedi. By way of example, it also allows for the possibility that the code embedded in the Burst-message may have a reduced footprint since it is possible to include some parts of the code

in the bursting applet, which may be conveyed to the web-terminal and stored in cache when its web browser redirects to a suitable host page for the first time. So for example, commonly used APIs required to display video or vocalize sound can be provided as part of the bursting applet instead of the message code, thus reducing the footprint of the message code. On the other hand, a message that requires an uncommon API will need to embed the API as part of its message code. This mechanism thus allows for task sharing between the host page and the Burst-messages. No such provision is provided by Shkedi.

Similar amendments have been made to independent claim 20 reciting a system and to new independent claim 25 reciting a method invoked by the web terminal. The above reasoning therefore applies *mutatis mutandi* to claims 20 and 25 and to the computer-product claims 47 and 48.

Regarding claims 2-10, and 14-19, Applicant respectfully points out that these claims depend on and include all the limitations of claim 1. Thus, these claims are patentable at least for the reasons set forth above with respect to claim 1.

Similarly, claims 21-25 depend on and include all the limitations of claim 20. Thus, claims 21-25 are patentable at least for the reasons set forth above with respect to claim 20.

Similarly, claims 27-46 depend on and include all the limitations of claim 26. Thus, claims 27-46 are patentable at least for the reasons set forth above with respect to claim 26.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of all of the claims and allow the application.

Rejections Under 35 U.S.C. § 103(a)

In Section 2 of the Office Action, claims 3, 15 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shkedi. In Section 3 of the Office Action, claim 19 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shkedi in view of Niu (US 2002/0062245A1).

Regarding claims 15 and 16, the Examiner acknowledged that Shkedi does not specify the termination of a message.

However, the Examiner alleged that it would have been obvious to one having ordinary skill in the art at the time the invention was made for the user to terminate the advertisement. The Examiner stated that otherwise, the advertisement would continue running forever and would use valuable computer resources.

Regarding claim 19, the Examiner acknowledged that Shkedi does not specify the generated message as containing chat components.

The Examiner stated that Niu teaches offering promotions over websites using banner advertisements as well as live text chat (Paragraph 0044).

The Examiner alleged that it would have been obvious to one having ordinary skill in the art at the time the invention was made to offer chat components in a generated website message. The Examiner further stated that this would allow for immediate feedback from the user.

Applicant maintains that Shkedi and Niu do not render obvious the claimed invention of the present application. The claimed invention is patentable over the cited art for at least the following reasons.

Shkedi (as understood) proposes a laundry list of Web programming techniques for delivering advertisement.

However, as discussed *supra,* Shkedi does not disclose or suggest, however, sending to the Web-terminal, data including content and code for generating a Burst-message on the Web-terminal, as provided by the subject matter of claim 1 as amended from which claims 15, 16 and 19 depend.

Niu does not cure the deficiencies of Shkedi.

Niu, as understood by Applicant, proposes generating real-time promotions to a visitor of an e-commerce website to increase the likelihood of purchase on the website by the visitor. Niu proposes analyzing clickstream data, and calculating the probability that the visitor will leave the website or will make a purchase on the website based upon this clickstream data. The calculated probabilities, the frequency of visits to the website by the visitor and the time of the visit to the website, are utilized to decide whether real-time promotions should be generated on the website. If it is decided that promotions should be generated, then the promotions to send, when to send them, and how to send them are determined.

Niu proposes sending scripts from a server to a client side that instructs the browser to gather and collect predetermined information (for determining the probability that the visitor will leave the website or will make a purchase on the website) from the visitor client entity.

Niu, like Shkedi, fails to disclose or suggest, however, sending to the Web-terminal, data including content and code for generating a Burst-message on the Web-terminal, as provided by the subject matter of claim 1 as amended from which claims 15, 16 and 19 depend.

Therefore, even a combination of Shkedi and Niu fails to teach or render obvious all features of the claimed invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 103.

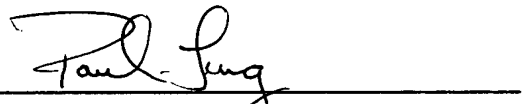
In view of the amendments to the claims and remarks hereinabove, Applicant maintains that claims 1-10 and 14-48 are now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorneys invite the Examiner to telephone them at the telephone number provided below.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition.

If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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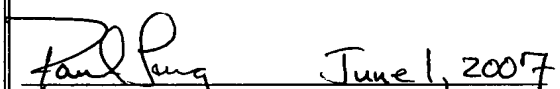
I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



June 1, 2007

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